

**§ 1106.4 Plant.**

*Plant* means the land, buildings, facilities and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed, or packaged. Separate facilities used only as a reload point for transferring bulk milk from one tank truck to another or separate facilities used only as a distribution point for storing packaged fluid milk products in transit for route disposition shall not be a plant under this definition.

**§ 1106.5 Distributing plant.**

*Distributing plant* means any plant:

(a) Approved by a duly constituted regulatory agency for the handling of milk approved for fluid consumption;

(b) In which fluid milk products are processed or packaged; and

(c) From which there is route disposition in the marketing area during the month, except that this requirement shall not apply to a distributing plant described in § 1106.7(e).

[47 FR 53694, Nov. 29, 1982, as amended at 53 FR 15796, May 4, 1988]

**§ 1106.6 Supply plant.**

*Supply plant* means a plant approved by a duly constituted regulatory agency for the handling of milk approved for fluid consumption from which fluid milk products are transferred or diverted to a distributing plant(s) during the month.

EFFECTIVE DATE NOTE: At 58 FR 60543, Nov. 17, 1993, § 1106.6 was amended by temporarily suspending the words "during the month", effective Oct. 1, 1993 through Jan. 30, 1994. Those same words were further suspended as follows: at 59 FR 11182, Mar. 10, 1994, effective Feb. 1, 1994 through Aug. 21, 1996; at 61 FR 35596, July 8, 1996, effective Sept. 1, 1996, through Aug. 31, 1998; and at 63 FR 46868, Sept. 3, 1998, effective Sept. 1, 1998, through Aug. 31, 1999.

**§ 1106.7 Pool plant.**

Except as provided in paragraph (f) of this section, *pool plant* means:

(a) A distributing plant (other than one described in paragraph (e) of this section), from which during the month there is:

(1) Total route disposition (except filled milk) in an amount not less than

50 percent of the total quantity of fluid milk products (except filled milk) received at such plant, including producer milk diverted from the plant; and

(2) Route disposition (except filled milk) in the marketing area in an amount not less than 10 percent of such receipts.

(b) A supply plant from which during the month not less than 50 percent of the total quantity of milk that is received from dairy farmers (including producer milk diverted from the plant pursuant to § 1106.13, but excluding milk diverted to such plant) and handlers described in § 1106.9(c) is transferred or diverted pursuant to paragraph (b)(2) of this section to plants described in paragraph (a) or (e) of this section, subject to the following:

(1) A supply plant that has qualified as a pool plant during each of the immediately preceding months of September through January shall continue to so qualify in each of the following months of February through August until any month of such period in which less than 20 percent of the milk received or diverted as previously specified, is shipped to plants described in paragraph (a) or (e) of this section. A plant not meeting such 20 percent requirement in any month of such February–August period shall be qualified in any remaining month of such period only if transfers and diversions pursuant to paragraph (b)(2) of this section to plants described in paragraph (a) or (e) of this section are not less than 50 percent of receipts or diversions, as previously specified.

(2) The operator of a supply plant that is located in the marketing area or in a county adjacent to the marketing area may include milk diverted pursuant to § 1106.13(c) from such plant to plants described in paragraph (a) or (e) of this section as qualifying shipments in meeting the supply plant's monthly shipping percentages. The diverted milk used in meeting such qualifying shipments shall be limited to the milk of dairy farmers from whom at least one day's production is physically received during the month